

REMEDIAL ACTION CERTIFICATION FORM

1. Certification of Remedial Action:

I hereby certify that the following information is true and correct to the best of my knowledge.

- | | | |
|----|--|------------------------|
| 1. | <u>K. J. Chaz</u>
Project Manager | <u>6/23/04</u>
Date |
| 2. | <u>[Signature]</u>
Unit Chief | <u>6/23/04</u>
Date |
| 3. | <u>Fredrick S. Moser</u>
Branch Chief | <u>6/23/04</u>
Date |
- Tony Lendin*

2. Certification Statement: Based upon the information which is currently and actually known to the Department,

 The Department has determined that all appropriate response actions have been completed, that all acceptable engineering practices were implemented and that no further removal/remedial action is necessary and the site will be removed from the list of sites requiring remediation pursuant to the H&SC Section 25356.

 The Department has determined, based upon a remedial investigation or site characterization that the site poses no significant threat to public health, welfare, or the environment and therefore implementation of removal/remedial measures is not necessary and the site will be removed from the list of sites requiring remediation pursuant to H&SC Section 25356.

 X The Department has determined that all appropriate removal/remedial actions have been completed and that all acceptable engineering practices were implemented; however, the site requires ongoing operation and maintenance (O&M) and monitoring efforts. The site will be deleted from the "active" site list following (1) a trial operation and maintenance period and (2) execution of a formal written settlement between the Department and the responsible parties, if appropriate. However, the site will be

placed on the Department's list of sites undergoing O&M to ensure proper monitoring of long-term clean-up efforts.

3. Site Name and Location: (Street address, County, City, and Assessor's parcel number)

Name: Tourtelot Project Site

Location: The Tourtelot Project Site is located in Benicia, Solano County, CA 94510.

- A. List any other names that been used to identify sites:

Tourtelot Cleanup Project, Benicia, CA

Tourtelot Property

Leased portion of Benicia Arsenal

- B. Address of site if different from above: _____

- C. Assessor's Parcel Numbers:

RESTRICTED AREAS

Unit D-1 (South Valley Open Space) Assessor Parcel Numbers: 0083-210-180; 0083-381-170

Unit D-4 (South Valley Open Space) Assessor Parcel Numbers: 0083-210-240

Unit D-5 (South Valley Open Space) Assessor Parcel Numbers: 0083-210-260

Unit D-6 (South Valley/North Valley Open Space) Assessor Parcel Numbers: 0083-210-280; 0083-210-290; 0083-582-190; 0083-571-240; 0083-531-170;

Unit D-7 (Open Space North of Development) Assessor Parcel Numbers: 0083-511-220; 0083-521-160

City Owned Open Space Containing Portion of TNT Strips: Portion of 0083-220-080

UNRESTRICTED AREAS

Unit D-1 (Residential) Assessor Parcel Numbers: 0083-371-010; 0083-371-020; 0083-371-030; 0083-371-040; 0083-371-050; 0083-371-060; 0083-371-070; 0083-371-080; 0083-371-090; 0083-371-100; 0083-371-110; 0083-371-120; 0083-371-130; 0083-372-010; 0083-372-020; 0083-372-030; 0083-372-040; 0083-372-050; 0083-373-010; 0083-373-020; 0083-373-030; 0083-373-040; 0083-373-050; 0083-373-060; 0083-373-070; 0083-373-080; 0083-373-090;

0083-373-100; 0083-373-110; 0083-373-120; 0083-373-130; 0083-373-140; 0083-373-150;
0083-373-160; 0083-373-170; 0083-373-180; 0083-373-190; 0083-373-200; 0083-373-210;
0083-373-220; 0083-373-230; 0083-373-240; 0083-373-250; 0083-373-260; 0083-373-270;
0083-381-010; 0083-381-020; 0083-381-030; 0083-381-040; 0083-381-050; 0083-381-060;
0083-381-070; 0083-381-080; 0083-381-090; 0083-381-100; 0083-381-110; 0083-381-120;
0083-381-130; 0083-381-140; 0083-381-150; 0083-381-160; 0083-382-010; 0083-382-020;
0083-382-030; 0083-382-040; 0083-382-050; 0083-382-060; 0083-382-070; 0083-382-080;
0083-383-010; 0083-383-020; 0083-383-030; 0083-383-040; 0083-383-050; 0083-383-060;
0083-383-070; 0083-383-080; 0083-383-090; 0083-383-100; 0083-383-110; 0083-383-120

Unit D-6 (Residential) Assessor's Parcel Numbers: 0083-532-010; 0083-532-020; 0083-532-030; 0083-553-010; 0083-553-020; 0083-553-030; 0083-553-040; 0083-553-050; 0083-553-060;
0083-553-070; 0083-553-080; 0083-553-090; 0083-553-100; 0083-553-110; 0083-553-120;
0083-553-130; 0083-553-140; 0083-553-150; 0083-553-160; 0083-553-170; 0083-553-180;
0083-553-190; 0083-562-010; 0083-562-020; 0083-562-030; 0083-562-040; 0083-562-050;
0083-562-060; 0083-562-070; 0083-562-080; 0083-562-090; 0083-582-010; 0083-582-020;
0083-582-030; 0083-582-040; 0083-582-050; 0083-582-060; 0083-582-070; 0083-582-080;
0083-582-090; 0083-582-100; 0083-582-110; 0083-582-120; 0083-582-130; 0083-582-140;
0083-582-150; 0083-582-160; 0083-582-170; 0083-582-180; 0083-571-010; 0083-571-020;
0083-571-030; 0083-571-040; 0083-571-050; 0083-571-060; 0083-571-070; 0083-571-080;
0083-571-090; 0083-571-100; 0083-571-110; 0083-571-120; 0083-571-130; 0083-571-140;
0083-571-150; 0083-571-160; 0083-571-170; 0083-571-180; 0083-571-190; 0083-571-200;
0083-571-210; 0083-571-220; 0083-572-110; 0083-572-120; 0083-572-130; 0083-572-140;
0083-572-150; 0083-572-160; 0083-572-170; 0083-572-180; 0083-572-190; 0083-572-200;
0083-572-210; 0083-572-220; 0083-572-230; 0083-572-240; 0083-581-010; 0083-581-020;
0083-581-030; 0083-581-040; 0083-581-050; 0083-581-060; 0083-581-070; 0083-581-080;
0083-581-090; 0083-581-100; 0083-581-110; 0083-581-120; 0083-581-130; 0083-581-140;
0083-581-150; 0083-581-160; 0083-581-170; 0083-581-180; 0083-581-190; 0083-581-200;
0083-581-210; 0083-581-220; 0083-581-230; 0083-581-240; 0083-581-250; 0083-581-260;
0083-581-270; 0083-572-010; 0083-572-020; 0083-572-030; 0083-572-040; 0083-572-050;
0083-572-060; 0083-572-070; 0083-572-080; 0083-572-090; 0083-572-100; 0083-561-150;
0083-561-160; 0083-561-170; 0083-561-180; 0083-561-190; 0083-561-200; 0083-561-210;
0083-561-220; 0083-561-230; 0083-561-240; 0083-561-250; 0083-561-260; 0083-561-270;
0083-561-280; 0083-561-290; 0083-561-300; 0083-561-310; 0083-561-320; 0083-561-330;
0083-561-340; 0083-561-350; 0083-561-360; 0083-552-010; 0083-552-020; 0083-552-030;
0083-552-040; 0083-552-050; 0083-552-060; 0083-542-010; 0083-542-020; 0083-542-030;
0083-542-040; 0083-542-050; 0083-534-010; 0083-534-020; 0083-534-030; 0083-534-040;
0083-534-050; 0083-534-060; 0083-534-070; 0083-534-080; 0083-533-090; 0083-533-100;
0083-533-110; 0083-533-120; 0083-533-130; 0083-533-140; 0083-533-150; 0083-533-160;
0083-533-170; 0083-543-010; 0083-543-020; 0083-543-030; 0083-551-010; 0083-551-020;
0083-551-030; 0083-551-040; 0083-551-050; 0083-551-060; 0083-551-070; 0083-551-080;
0083-551-090; 0083-551-100; 0083-551-110; 0083-551-120; 0083-551-130; 0083-551-140;
0083-551-150; 0083-533-010; 0083-533-020; 0083-533-030; 0083-533-040; 0083-533-050;
0083-533-060; 0083-533-070; 0083-533-080; 0083-531-100; 0083-531-110; 0083-531-120;
0083-531-130; 0083-531-140; 0083-531-150; 0083-531-160

Unit D-7 (Residential) Assessor's Parcel Numbers: 0083-531-010; 0083-531-020; 0083-531-030; 0083-531-040; 0083-531-050; 0083-531-060; 0083-531-070; 0083-531-080; 0083-531-090; 0083-511-010; 0083-511-020; 0083-511-030; 0083-511-040; 0083-511-050; 0083-511-060; 0083-511-070; 0083-511-080; 0083-511-090; 0083-511-100; 0083-511-110; 0083-511-120; 0083-511-130; 0083-511-140; 0083-511-150; 0083-511-160; 0083-511-170; 0083-511-180; 0083-511-190; 0083-511-200; 0083-511-210; 0083-521-010; 0083-521-020; 0083-521-030; 0083-521-040; 0083-521-050; 0083-521-060; 0083-521-070; 0083-521-080; 0083-521-090; 0083-521-100; 0083-521-110; 0083-521-120; 0083-521-130; 0083-521-140; 0083-521-150; 0083-571-230; 0083-522-010; 0083-522-020; 0083-522-030; 0083-522-040; 0083-522-050; 0083-522-060; 0083-522-070; 0083-541-260; 0083-541-270; 0083-541-280; 0083-541-290; 0083-541-300; 0083-541-310; 0083-541-320; 0083-541-330; 0083-512-010; 0083-512-020; 0083-512-030; 0083-512-040; 0083-512-050; 0083-541-100; 0083-541-110; 0083-541-120; 0083-541-130; 0083-541-140; 0083-541-150; 0083-541-160; 0083-541-170; 0083-541-180; 0083-541-190; 0083-541-200; 0083-541-210; 0083-541-220; 0083-541-230; 0083-541-240; 0083-541-250; 0083-535-010; 0083-535-020; 0083-535-030; 0083-535-040; 0083-535-050; 0083-535-060; 0083-535-070; 0083-535-080; 0083-535-090; 0083-535-100; 0083-541-020; 0083-541-030; 0083-541-040; 0083-541-050; 0083-541-060; 0083-541-070; 0083-541-080; 0083-541-090; 0083-561-010; 0083-561-020; 0083-561-030; 0083-561-040; 0083-561-050; 0083-561-060; 0083-561-070; 0083-561-080; 0083-561-090; 0083-561-100; 0083-561-110; 0083-561-120; 0083-561-130; 0083-561-140; 0083-542-060; 0083-542-070; 0083-542-080; 0083-542-090; 0083-542-100; 0083-542-110; 0083-542-120; 0083-534-090; 0083-534-100; 0083-534-110; 0083-534-120; 0083-534-130; 0083-534-140; 0083-534-150; 0083-534-160; 0083-534-170; 0083-534-180

Park Site in Unit D-7: 0083-541-010

Open Space Access Pathway in Unit D-7: Portion of 0083-521-160

Approximately 1.8 acres, owned by Valero Energy Corporation and comprising a portion of Assessor Parcel Number 83-210-220.

4. Responsible Parties: (Use extra pages if necessary.)

Pacific Bay Homes, LLC

Attn: Scott B. Goldie, Tourtelot Project Manager

938 Tyler Street, Suite 104

Benicia, CA 94510

Telephone: 707-745-2112

Status: Owner of Tourtelot Cleanup Project Site and named as Responsible Party on Imminent and/or Substantial Endangerment Determination and Remedial Action Order for the Tourtelot Project Site issued by DTSC on June 1, 1999 (DTSC Order)

FN Projects, Inc.

Attn: Scott B. Goldie, Tourtelot Project Manager

938 Tyler Street, Suite 104

Benicia, CA 94510

Telephone: 707-745-2112

Status: Former Owner of Tourtelot Cleanup Project Site and named as Responsible Party on DTSC Order

Granite Management Corporation

Attn: Scott B. Goldie, Tourtelot Project Manager

938 Tyler Street, Suite 104

Benicia, CA 94510

Telephone: 707-745-2112

Status: Former Owner of Tourtelot Cleanup Project Site and named as Responsible Party on DTSC Order

US Army Corps of Engineers

Attn: John R. Esparza, Tourtelot Project Manager

1325 J Street

Sacramento, CA 95814

Telephone: (916) 557-5100

Status: Named as Responsible Party on DTSC Order

5. Brief Description and History of the Site: (Include previous and current uses of site, a brief description of the cleanup action and concentrations of significant hazardous substances left on site).

The Tourtelot Project Site consists of approximately 220 acres in Benicia, California. The Site is located north of Rose Drive and west of East 2nd Street.

From 1944 to 1960 portions of the Tourtelot property were leased to the U.S. Army as part of the former Benicia Arsenal. The Army used the property for a variety of purposes including; (1) the destruction of unserviceable and/or outdated ammunition, TNT, dynamite, munitions, and munition components; (2) refurbishing of munitions; and (3) testing of gun barrels accomplished by firing inert filled projectiles into test tunnels. In mid-1996, during site preparation activities associated with a planned housing development, concrete-filled howitzer shells were unearthed within the boundaries of the Tourtelot Project Site. Subsequently, live ordnance items were found. The property was secured and the property owners began working with City of Benicia and the US Army Corps of Engineers (USACE) for further investigation and cleanup

On June 1, 1999, DTSC issued an Imminent and/ or Substantial Endangerment Determination and Remedial Action Order requiring a complete remedial investigation/feasibility study and a clean up be performed. In July 2001, the results of several years of investigation and analysis were presented in the Remedial Investigation/Feasibility Study (RI/FS) document. The RI/FS was approved by DTSC on July 20, 2001. In September 2001, the Remedial Action Plan (RAP) and corresponding Environmental Impact Report (EIR) were released in draft form for public review and

comment. DTSC certified the EIR in December 2001, and issued the final RAP in January 2002.

The remedial approach required by the RAP involved point clearance of the ordnance and explosives (OE) across the entire Project Site and Area Wide Clearance in future residential areas having a potential for containing OE. Point clearance involved geophysical mapping (to identify surface and/or subsurface metallic items), reacquisition and intrusive investigation (digging) of the Project Site. As an added measure of protection, this process was performed twice. Area Wide Clearance involved the removal of soil in layered lifts and geophysical scanning of those lifts. This activity was performed until there were two clean lifts. The RAP required soils removed in Area Wide Clearance to be placed in the North Valley and covered with a minimum of 14 feet of OE free fill.

In response to information collected in the field, DTSC approved an additional remedial activity for the Project. Mechanical excavation involved the use of heavy earthmoving equipment in certain areas (approximately 10% of the Project Site) to remove soils with the potential to contain OE. Excavated soils were relocated to another area on the Project Site for OE clearance, either by mechanically sifting the soils using a mechanical screening apparatus or by spreading the soils for scanning and digging of anomalies.

The cleanup activities required by the RAP were conducted at the Project Site from February 2002 to June 2004. As part of the cleanup activities, on a grid-by-grid basis geophysical data was reviewed and compared to dig results by Quality Control (QC) Section personnel. Additional mapping and digging was performed as needed until the QC Section was satisfied that all appropriate targets were dug and items recovered matched the geophysical data. QC then submitted the data and dig results to the Quality Assurance (QA) contractor, who represented the DTSC. The QA contractor reviewed the geophysical data and also revisited digs and utilized geophysical instruments to verify that the OE clearance requirements outlined in the OERDD had been met. QA then signed off grids on a grid-by grid basis.

The RAP also required removal and disposal as appropriate offsite land fills of chemically-affected soil exceeding remediation goals. Following remediation of chemically-impacted soils at the Site, a site-wide risk assessment report was prepared to assess cumulative risks to human health and the environment for the Project Site. The assessment indicates that residual chemicals concentrations should not pose a potential health hazard to future Project Site users or residents. Additionally, the ecological assessment of a wetlands area on the Project Site indicates that the concentrations of chemicals detected in the soil and wetlands sediment are not expected to pose any threat to plants or wildlife.

Point clearance, Area Wide Clearance, and installation of the 14-foot thick OE free layer are intended to eliminate any potential pathway for exposure to OE, and to allow future unrestricted use of the residential areas of the Project Site, without the need to impose institutional controls on such areas. As an additional safety measure, the RAP requires

institutional controls in portions of the Project Site zoned for open space use and on portions of McAllister Drive (Restricted Areas). The institutional controls prohibit residential and certain other specified land uses in the open space portions of the Restricted Areas and impose safety controls on any future excavation activities in the Restricted Areas. The institutional controls also require future monitoring activities in the Restricted Areas to monitor and maintain the effectiveness of the remedial actions at the Project Site.

6. Type of Site: (Check appropriate response)

Included in Bond Expenditure Plan? Yes _____ No NA _____

RCRA-Permitted Facility NA _____ Bond-funded NA _____

RCRA Facility Closure NA _____ RF-funded _____

NPL NA _____ Federal Facility NA _____

Other (i.e., walk-in): Brownsfield _____
Explain Briefly:

7. Size of Site: (Based on Expenditure Plan definition of size)

Small _____ Medium _____ Large X _____ Extra Large _____

8. Dates of Remedial Action

A. Initiated: June 1999 _____

Completed: June 2004 _____

Per SARA, any NPL site that is not permanently cleaned must be scheduled for a follow-up visit after 5 years to verify that cleanup measures are still satisfactory

9. Response Action Taken on Site: (check appropriate action)

_____ Initial Removal or Remedial Action (satisfactory abatement on site)

X Final Remedial Action

_____ RCRA Enforcement/ Closure Action

_____ No action, further investigation verified that no cleanup action at site was needed

- A. Type of Remedial Action or Removal Action (i.e., Excavation and redisposal, cap, on-site treatment):

On-site treatment of ordnance and explosives in Control Demolition Chamber; off-site disposal of scrap metal (post demolition)

- B. Estimated quantity of waste associated with the site (i.e., tons/gallons/cubic yards) which was:

Estimated quantity of chemically contaminated soils exceeding remediation goals that were removed from Project Site and transported to appropriate offsite landfills: 46,300 cubic yards.

Estimated quantity of soils with greater than 10 percent TNT treated on Project Site to reduce TNT levels below 10 percent to allow transport to appropriate offsite landfill: 3,900 cubic yards.

Total number of OE-Energetic Items disposed by detonation on Project Site through detonation in Donovan Confined Detonation Chamber or in open detonation areas: 4, 530

Total number of OE-Like Items disposed of by offsite by being crushed, sheared and ground into indistinguishable metal scrap: 12,075

Estimated amount of OE Scrap disposed at appropriate offsite landfill: 193,840 pounds

Definitions:

OE-Energetic items are defined as ammunition, ammunition components or explosive ordnance items containing detectable amounts of explosives or other energetic materials that have been abandoned, expelled from demolition pits or burning pads, buried, lost or discarded; or soils with a 10 percent or greater content of explosives.

OE-Like items are items that have the physical appearance of an OE Energetic item but do not contain explosives or other energetic materials.

OE Scrap is a byproduct generated during the functioning, disposal and/or demilitarization of OE-Energetic and OE-Like items and includes fragments and components from those items that have been determined to be free of energetic material. OE Scrap does not pose a safety risk.

10. Cleanup Levels/Standards

- a. What were the cleanup standards established by the Department pursuant to the final remedial action plan (RAP) or Workplan (if cleanup occurred as the result of a removal action (RA) prior to development of a RAP)?

The cleanup standards were developed and presented in the RI/FS and were specified in the RAP. The OE cleanup was designed to remediate the areas of the Project Site that the Benicia General Plan designates for the residential to a standard suitable to allow unrestricted use of residential lots. The cleanup was also designed to remediate the other areas of the Project Site to a standard suitable for open space use consistent with the Benicia General Plan and Zoning Ordinance.

b. Were the specified cleanup standards met? Yes X No _____

c. If no, why not: _____

11. DTSC Involvement in the Remedial Action:

A. Did the Department order the Remedial Action?

Yes X No _____ Date of Order: 6/1/99

B. Did the Department review and approve the following plans and/ or procedures? (indicate date of review/approval if done):

X Remedial Investigation/Feasibility Study Date: July 2001

X Health & Safety Plan Date: May 25, 2001
Addenda Approved March 21, 2002, September 10, 2002

X OE Remedial Design Document Date: March 21, 2002 _____

X Non-OE Remedial Design Document Date: September 10, 2002 _____

X Remedial Action Plan Date: January 29, 2002

C. If site was abated by a responsible party, did the Department receive a signed statement from a licensed professional on all phases of the Remedial Action? (indicate date of settlement) Yes.

OE Remedial Design Document, Earth Tech Date: 6/29/01

Non-OE Remedial Design Document, Northgate Environmental Management

Date: 4/25/02

D. Did a registered engineer or geologist verify that acceptable engineering practices were implemented?

Yes X No Name: See Below

OE RDD was signed on behalf of Earth Tech, Inc. by Sandra Lee Cuttino, California Registered Civil Engineer No. 38494

Non-OE RDD was signed on behalf of Northgate Environmental Management, Inc. by Deni Chambers, California Certified Engineering Geologist No. 2149

D-1 Parcel Technical Memorandum, Tourtelot Cleanup Project (Northgate, Sept. 2003) and Final Technical Memorandum & Implementation Report, Tourtelot Cleanup Project (Northgate, June, 2004) were signed on behalf of Northgate Environmental Management, Inc. by Theodore Splitter, California Registered Professional Engineer No. 29718.

E. Did the Department confirm completion of all Remedial or Removal Actions?

Yes X No Date of verification: June 2004 (i.e., manifest, sampling, demonstrated installation and operation of treatment)

The Department confirmed completion of all remedial actions by daily oversight in the field, periodic site visits, inspection of manifests, and analysis of sampling results during and following completion of remedial activities.

F. Did the Department (directly or through a contractor) actually perform the Remedial or Removal Action?

Yes No X Name of Contractor:

G. Was there a community relations plan in place?

Yes X No

H. Was a Remedial Action Plan developed for this site?

Yes X No

I. Did DTSC hold a public meeting regarding the draft Remedial Action Plan?

Yes X No

J. Were public comments addressed?

Yes X No Date of DTSC analysis and response: (DATE HERE)

K. Are all of the facts cited above adequately documented in the DTSC files?

Yes X No _____

If no, identify areas where documentation is lacking:

12. EPA Involvement in the Remedial Action:

A. Was the EPA involved in the site cleanup? Yes _____ No X

B. If yes, did EPA concur with all remedial actions? Yes _____ No _____

C. EPA

comments: _____

EPA staff involved in cleanup (include name, title, address, phone number):

13. Other Regulatory Agency Involvement in the Cleanup Action:

Regional Water Quality Control Board

(Contact Person: Gary J. Riley, P.E.)

Project Manager

1515 Clay St. Suite 1400

Oakland, CA 94612

(Monitored compliance with Storm Water Pollution Prevention Plan for Tourtelot Project)

State of California

Department of Fish and Game

(Contact Person: Marcia Grefsrud)

7329 Silverado Trail

Napa, CA 94558

(Issued Streambed Alteration Agreement in connection with Tourtelot Cleanup Project)

U.S. Army Corps of Engineers

San Francisco District, Regulatory Branch

(Contact Person: Jane Hicks)

333 Market Street

San Francisco, CA 94105

(Issued Nationwide Permit 38, pursuant to Section 404 of Clean Water Act to authorize filling of wetlands on Project Site in connection with Tourtelot Cleanup Project)

City of Benicia

Department of Public Works

(Attn: Michael Throne, City Engineer)

250 East L Street

Benicia, CA 94510

(Issued grading permit)

City of Benicia
Fire Department
250 East L. Street
Benicia, CA 94510
(Issued permit for ordnance storage facilities used on Project Site)

See Section 23 of Final Environmental Impact Report, Tourtelot Remediation/Cleanup Project (certified by DTSC Dec, 2001) for list of other federal, state and local agencies contacted during preparation of EIR.

14. Post-Closure Activities:

A. Will there be post-closure activities at this site? (i.e., Operation and Maintenance) Yes X No

No post-closure activities or other restrictions apply to the residential areas of the Tourtelot Project Site. Such areas are identified as Unrestricted Areas in Attachment 1.

Post-closure activities are required for open space areas of the Tourtelot Project Site. Such areas are identified as Restricted Areas in Attachment 1.

The institutional controls for the Restricted Areas of the Project Site are set out in four related documents which include a Covenant to Restrict Use of Property (Covenant), a Contingency Action Plan, an Operations and Maintenance Plan ("O&M Plan") and an Operations and Maintenance Agreement ("O&M Agreement").

The Covenant provides that the open space parcels within the Tourtelot Project Site must remain open space. The Covenant also prohibits certain land uses that would otherwise be permitted in the open space under a special use permit from the City of Benicia, including (by way of example) residential use or use as a hospital. These land use restrictions are designed to prevent alternative uses of the open space that could be incompatible with the level of OE clearance required by the RAP for areas not intended for residential use. The Covenant also requires that special safety precautions be used for any Excavation Activities in the Restricted Areas. The safety measures for Excavation Activities are to be implemented through the Contingency Action Plan.

The O&M Plan requires future monitoring and maintenance activities in the Restricted Areas to monitor and maintain the effectiveness of the remedial actions at the Project Site. Monitoring activities include wetlands mitigation monitoring; monitoring of planting and signage to be installed to discourage public entry to as area in the Restricted Area designated as the Wetlands Risk Reduction Areas; slope stability and erosion monitoring; water monitoring of surface water, subdrain and seeps, monitoring of the integrity of the Land Bridge Mesh Barrier and monitoring of compliance with the

requirements of the institutional controls, including the Covenant and the Contingency Action Plan. Annual reporting on monitoring activities is also required.

The requirements imposed by the Contingency Action Plan and the O&M Plan are incorporated into and are to be implemented by the O&M Agreement. The parties to the O&M Agreement include DTSC, the City of Benicia (which will be the owner of all of the Restricted Areas following completion of remedial work at the Project Site) and Pacific Bay Homes, LLC; Granite Management Corporation and FN Projects, Inc.

B. Have post-closure plans been prepared and approved by the Department?

Yes X No _____

C. What is the estimated duration of post-closure (including operations and maintenance) activities? 30 Years

D. Are deed restrictions proposed or in place? Yes X No _____

Deed restrictions are proposed for the open space areas and certain portions of the streets. No deed restrictions will apply to the residential lots in the D-1 Parcel.

If yes, have deed restrictions been recorded with the County Recorder?

Yes X No X Date June 23, 2004

If no, who is responsible for assuring that the deed restrictions are recorded?

The Covenant to Restrict Property will be finalized, approved and implemented in conjunction with the certification of the balance of the Project Site.

Who is the DTSC contact?

Rizgar Ghazi 916-255-3610
(Name & Phone Number)

E. Has cost recovery been initiated? Yes X No _____

If yes, amount received: DTSC oversight costs have been fully reimbursed.

F. Were local planning agencies notified of the cleanup action? Yes X

No _____

If yes, the name and address of agency: City of Benicia, East L Street,
Benicia, CA 94566

15. Expenditure of Funds and Sources:

(Information to be supplied by Toxic Accounting Unit.)

Funding Source and amount expended:

_____ HWCA \$ _____	_____ HSA
\$ _____	
_____ HSCF \$ _____	_____ RCRA
\$ _____	
_____ RP \$ _____	_____ Other
\$ _____	
_____ Federal Cooperative Agreement	
\$ _____	

16. Additional Comments: